IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929

Crl.MC.No. 4736 of 2003(B)

C.C.NO.621/2002 IN THE FILE OF THE JUDICIAL MAGISTRATE OF THE FIRST CLASS, THALASSERY

PETITIONER: ACCUSED.

BANUPRAKASHAN, S/O.SUMMUKHAN,
PANAYAN HOUSE, AZHIKKAL AMSOM DESOM,
MOONNURATH, P.O.AZHIKODE.

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENTS: RESPONDENT.

---

1. K.BEENA, D/O.T.M.KANNAN,
ANJALI, TALIPARAMBA COMPOUND, P.O.PALAYAD,
THALASSERY.

2. STATE OF KERALA REP. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI.R.SURENDRAN
PUBLIC PROSECUTOR, SRI AMJAD ALI

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 21/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J.

~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~

Crl. M.C.No.4736 of 2003-B

~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~

Dated this the 21st day of November, 2007

O R D E R

The petitioner who is the husband of the de facto complainant has sought for quashing the proceedings in C.C.No.621/2002 pending before the court of Judicial First Class Magistrate Court, Thalassery, alleging that the contentions raised in the above complaint are totally false and that Section 420, 467 and 468 I.P.C could not be attracted. I find that considering the allegations in Annexure A3 complaint the matter cannot be quashed in exercises of the power under Section 482 Cr.P.C. All the same the petitioner would be at liberty to apply for discharge, if he so desires. The Crl.M.C is dismissed accordingly.

K.R.UDAYABHANU,
Judge

ms